

ORIGINAL

UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT
Thurgood Marshall U.S. Courthouse at Foley Square 40 Centre Street, New York, NY 10007 Telephone: 212-857-8500U.S. DISTRICT COURT
MOTION INFORMATION STATEMENT
N.D. OF N.Y.

FILED

Caption [use short title]

Docket Number(s): 05-1169-CV

JUL 25 2005

Nestler

Motion for: Reactivation of Appeal

LAWRENCE K. BAERMAN, CLERK

Set forth below precise, complete statement of relief sought:
Pursuant to the Court-endorsed stipulation ALBANY Chartwells Dining
of the parties, Appellants request that
their appeal be reactivated. Appellants
request 45 days to submit their appellate brief and supporting papers.

MOVING PARTY: _____ OPPOSING PARTY: _____
 Plaintiff Defendant
 Appellant/Petitioner Appellee/Respondent

MOVING ATTORNEY: Frances M. Nicastro OPPOSING ATTORNEY [Name]: _____
 [name of attorney, with firm, address, phone number and e-mail]
fnicastro@littler.com
Littler Mendelson, P.C.
885 Third Avenue, 16th Floor
New York, NY 10022
(212) 583-9600

Court-Judge/Agency appealed from: United States District Court for the N.D.N.Y.

Please check appropriate boxes:

Has consent of opposing counsel:

A. been sought?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
B. been obtained?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No

Is oral argument requested?

 Yes No

(requests for oral argument will not necessarily be granted)

FOR EMERGENCY MOTIONS, MOTIONS FOR STAYS AND
INJUNCTIONS PENDING APPEAL:Has request for relief been made below? Yes NoHas this relief been previously sought
in this Court? Yes No

Requested return date and explanation of emergency:

Has argument date of appeal been set? Yes No

If yes, enter date _____

— CERTIFIED —

7/18/05

Signature of Moving Attorney:

Frances M. NicastroDate: July 11, 2005Has service been effected? Yes No
[Attach proof of service]

ORDER
 Treating this "motion" as a timely notice of reactivation, per stipulation,
 IT IS HEREBY ORDERED THAT the notice is timely, and shall be filed. The Clerk's
 Office will send the reactivated file to Staff Counsel for issuance
 of a new scheduling order.

FOR THE COURT:

ROSEANN B. MacKECHNIE, Clerk of Court

Date: July 15, 2005

By:

Lawrence K. Baer
STAFF COPY
ROSEANN B. MacKECHNIE, CLERK

Form T-1080 (Revised 10/31/02).



DEPUTY CLERK